

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KARNELL BURTON,

Petitioner,

vs.

SCOTT FRAKES,

Respondent.

**8:15CV417**

**ORDER**

This matter is before the Court on respondent Karnell Burton's ("Burton") Motion to Extend Time to File An Application for Certificate of Appealability and Brief in Support of the Application ("Motion") (Filing No. 44). This Court previously denied a certificate of appealability in its March 17, 2017 Memorandum and Order (Filing No. 41). Burton may seek a certificate of appealability from the Eighth Circuit, but this Court cannot alter the Eighth Circuit's deadlines.<sup>1</sup> See Rule 11, Rules Governing Section 2254 Cases in the U.S. District Courts; 28 U.S.C. § 2253; and Fed. R. App. P. 22. The Motion is denied.

IT IS SO ORDERED.

Dated this 19th day of April, 2017.

BY THE COURT:

*s/ Robert F. Rossiter, Jr.*  
United States District Judge

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<sup>1</sup>The Court may extend the time for a party to file a notice of appeal under Federal Rule of Appellate Procedure 4, but Burton has already filed a notice of appeal.